

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Kathryn M. Zunno
Esterina Giuliani

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ALVIN J. DELAIRE, JR., *et al.*,

Defendants.

Adv. Pro. No. 09-01305 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF DEFENDANT ELIZABETH M. MOODY
FROM ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendant Elizabeth M. Moody, by and through her counsel, Joseph F. Keenan (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On June 22, 2009, the Trustee commenced this adversary proceeding (the “Adversary Proceeding”) against, among others, Elizabeth M. Moody by filing his original complaint (ECF No. 1).

2. On October 8, 2009, the Trustee filed his First Amended Complaint (the “Complaint”) in the Adversary Proceeding against, among others, Elizabeth M. Moody (ECF No. 82).

3. After the disposition of proceedings on motions to withdraw the reference and motions to dismiss the Complaint in whole or in part, defendant Elizabeth M. Moody filed an answer to the Complaint on May 15, 2015 (ECF No. 321).

4. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 (Case No. 08-01789, Dkt. No. 3181), the Parties entered into a settlement agreement.

5. In accordance with Federal Rule of Bankruptcy Procedure 7041 and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of all of the Trustee’s claims against defendant Elizabeth M. Moody in the Adversary Proceeding.

6. The provisions of this Stipulation shall be binding upon and shall inure to the

benefit of the Parties and their respective estates, personal representatives, executors, administrators, heirs, successors and assigns, and upon all creditors and parties in interest.

7. This Stipulation may be signed by the Parties, through their counsel, in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

8. Upon the dismissal of defendant Elizabeth M. Moody, the caption of the Adversary Proceeding is hereby amended to delete defendant Elizabeth M. Moody from the caption. The amended caption shall appear as indicated in Exhibit A to this Stipulation.

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Dated: January 4, 2017
New York, New York

BAKER HOSTETLER LLP

By: /s/ Esterina Giuliani

Esterina Giuliani
45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
Email: egiuliani@bakerlaw.com
David J. Sheehan
Email: dsheehan@bakerlaw.com
Kathryn M. Zunno
Email: kzunno@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard,
Trustee for the Substantively Consolidated
SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the estate
of Bernard L. Madoff*

**LAW OFFICES OF
JOSEPH F. KEENAN**

By: /s/ Joseph F. Keenan

Joseph F. Keenan
114-04 Beach Channel Drive
Suite 9
Rockaway Park, NY 11694
Telephone: 718.747.8850
Email: jfkeenan@joekeenanlaw.com

*Attorney for Defendant Elizabeth M.
Moody*

SO ORDERED this 4th day of **January** 2017.

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
United States Bankruptcy Judge